

11/23/01

A

Atty. Dkt. No. 072827-1905

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan Mueller, et al.  
Title: METHODS AND  
COMPOUNDS FOR TREATING  
DEPRESSION AND OTHER  
DISORDERS

Prior Appl. No.: PCT/US99/15857

Prior Appl. Filing Date: July 12, 1999

Examiner: To Be Assigned

Art Unit: To Be Assigned

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<b>EL 796240772 US</b>	
(Express Mail Label Number)	(Date of Deposit)
Sandra A'Costa	
(Printed Name)	
Sandra A'Costa	
(Signature)	

**CONTINUING PATENT APPLICATION**  
**TRANSMITTAL LETTER**

Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

☒ Continuation    ☐ Division    ☐ Continuation-In-Part (CIP)

of the above-identified copending prior application in which no patenting, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. The entire disclosure of the above-identified prior application is considered as being part of the disclosure of the accompanying continuing application and is hereby incorporated by reference therein.

☒ Applicant claims small entity status under 37 CFR 1.27.

Enclosed are:

☒ Specification, Claim(s), and Abstract (86 pages).

- ☒ Petition For Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)
- ☒ Revocation and Power of Attorney
- ☒ Check in the amount of \$605.00 for Petition Fee
- ☐ Informal drawings (0 sheets)
- ☐ Declaration and Power of Attorney (\_\_\_ pages).
- ☐ Assignment of the invention to NPS Pharmaceuticals, Inc..
- ☐ Assignment Recordation Cover Sheet.
- ☐ Small Entity statement.
- ☐ Request for application not to be published with certification under 35 USC 122(b)(2)(B)(i).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of \_\_\_ listed reference(s).
- ☒ Preliminary Amendment.
- ☒ Application Data Sheet (37 CFR 1.76).

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$740.00	\$740.00
Total Claims:	18	- 20	= 0	x \$18.00	= \$0.00
Independents:	7	- 3	= 4	x \$84.00	= \$336.00
If any Multiple Dependent Claim(s) present:			+	\$280.00	= \$0.00
				SUBTOTAL:	= \$1076.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract 1/2 of above):					= \$538.00
				TOTAL FILING FEE:	= \$538.00

- ☒ A check in the amount of \$538.00 to cover the filing fee is enclosed.
- ☐ The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 21 November 2001

By Wesley B. Ames

FOLEY & LARDNER

Customer Number: 23620



ATENT TRADEMARK OFFICE

Telephone: (858) 847-6714

Facsimile: (858) 792-6773

Wesley B. Ames

Attorney for Applicant

Registration No. 40,893

**PETITION FOR REVIVAL OF AN INTERNATIONAL  
APPLICATION FOR PATENT DESIGNATING THE U.S.  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
**072827-1905**

First Named Inventor: **MUELLER, Alan**

International (PCT)  
Application No. **PCT/US99/15857**

U.S. Application No. **Unknown**  
(if known)

Int'l Filing Date: **12 July 1999**

Title: **METHODS AND COMPOUNDS FOR TREATING DEPRESSION AND OTHER  
DISORDERS**

Attention: PCT Legal Staff  
Box PCT  
Assistant Commissioner for Patents  
Washington, DC 20231

The above identified application became unintentionally abandoned prior to the filing of an application under 35 U.S.C. § 111. Applicant hereby petitions for the revival of the above-captioned application under 37 C.F.R. § 1.137(b).

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee – required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition Fee**

- ☒ Small entity – fee \$ 605 (37 CFR 1.17(m))
- ☐ Small entity statement enclosed herewith
- ☐ Small entity statement previously filed
- ☐ Other than small entity – fee \$1,210 (37 CFR 1.17(m))

11/26/2001 SSITHIB1 00000048 500872 09990405  
01 FC:241 35.00 CH 605.00 OP

2. **Proper Reply**

A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of:  
the national filing fee; copy of the published international PCT application; copy of the international search report, copy of the international preliminary examination report + cited references; copy of the written opinion (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☐ is enclosed herewith.

B. A Continuing Patent Application Under 37 C.F.R. § 1.53(b) is enclosed herewith.

3. **Terminal disclaimer with disclaimer fee**

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$55.00 for a small entity or \$110.00 for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

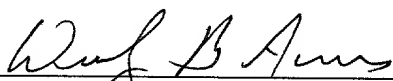
4. **Revocation and Power of Attorney**

☒ A Revocation and Power of Attorney is enclosed.

4. **Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Dated: 21 November 2001

  
\_\_\_\_\_  
Wesley B. Ames, Reg. No. 40,893  
Agent for Applicant  
FOLEY & LARDNER  
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San Diego, California 92138-0278  
+1-858-847-6700 Office  
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Enclosures:

- ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☐ Small Entity Status Form  
☐ \_\_\_\_\_

## PATENT COOPERATION TREATY

REVOCATION AND POWER OF ATTORNEY

The undersigned applicants hereby revoke all previous powers of attorney and appoint, individually and collectively,

FOLEY & LARDNER

and

Wesley B. Ames	Reg. No. 40,893
Stephen A. Bent	Reg. No. 29,768
Lei Fang	Reg. No. 44,676
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Richard M. San Pietro	Reg. No. 45,071
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Richard J. Warburg	Reg. No. 32,327
Arthur A. Wellman, Jr.	Reg. No. 47,174
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attorneys-at-law at P.O. Box 80278 (11250 El Camino Real, Suite 200), San Diego, California 92138-0278, telephone +1-858-847-6700, facsimile +1-858-792-6773, to represent the undersigned before all the competent International Authorities in connection with the international application identified below:

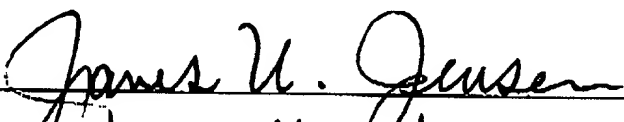
Title of invention: METHODS AND COMPOUNDS FOR TREATING DEPRESSION AND OTHER DISORDERS

International App. No. PCT/US99/15857

Int'l Filing Date: 12 July 1999

Priority Date: 13 July 1998

Agent's file reference: 072827-1901 (previously E1184PCT)

  
Name: James U. Jensen  
Title: Vice President, Corp. Dev. & Legal Affairs  
NPS PHARMACEUTICALS, INC.

Alan L Mueller  
Alan MUELLER

Nov 8, 2001  
Date:

SEE ATTACHED PAGE  
Scott MOE

Date:

Manuel F. Balandrin  
Manuel BALANDRIN

11-12-2001.  
Date

09990405-12101

PCT/US/15857

Alan MUELLER

Date:

*Scott T. MOE*  
Scott MOE

*11-8-01*

Date:

Manuel BALANDRIN

Date:

TO: TET " 50406660